

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIKA MENDOZA and JAMES HUNT,
Individually, and on behalf of all others
similarly situated,

Plaintiffs.

v.

ELECTROLUX HOME PRODUCTS,
INC.; SHARP MANUFACTURING
COMPANY OF AMERICA, a division of
SHARP ELECTRONICS
CORPORATION; SHARP
APPLIANCES THAILAND LIMITED;
MIDEA AMERICA CORP.; MIDEA
MICROWAVE AND ELECTRICAL
APPLIANCES MANUFACTURING
CO., LTD; LOWE'S HOME CENTERS,
LLC; MODESTO DIRECT
APPLIANCE, INC.; and ABC CORP. 1-
10;

Defendants.

No. 4:17-CV-02028

(Judge Brann)

ELAINE RICE and ALEX KUKICH,
Individually, and on behalf of all others
similarly situated,

Plaintiffs,

v.

ELECTROLUX HOME PRODUCTS,
INC.,

Defendant.

No. 4:15-CV-00371

(Judge Brann)

DEAN MAURO, Individually, and on
behalf of all others similarly situated,

Plaintiffs.

v.

ELECTROLUX HOME PRODUCTS,
INC.; MIDEA AMERICA CORP.;
MIDEA MICROWAVE AND
ELECTRICAL APPLIANCES
MANUFACTURING CO., LTD; and
LOWE'S HOME CENTERS, LLC.

Defendants.

No. 4:18-CV-00539

(Judge Brann)

ORDER

AND NOW, this 20th day of August 2018, in accordance with the
Memorandum Opinion of this same date, **IT IS HEREBY ORDERED** that:

1. Plaintiffs' Motion for Retransfer to the United States District Court for the Eastern District of California, or in the Alternative, to Consolidate this Action with the Rice/Kukich Consolidated Action (ECF No. 106) is **GRANTED** in part and **DENIED** in part.

- a. This Motion is **GRANTED** to the extent that it requests the consolidation of this action with Rice/Kukich v. Electrolux Home Products, Inc., No. 4:15-cv-00371, and Mauro v. Electrolux Home Products, Inc., et al., No. 4:18-cv-00539. The Clerk is directed to consolidate these cases within the Rice/Kukich action.

- b. Plaintiffs in the now consolidated action are directed to file an Amended Complaint within thirty (30) days of this Order.
 - c. Contemporaneous with the filing of a Consolidated Amended Complaint, the parties shall file a proposed case management order for this Court's review and potential adoption which contains deadlines allowing for the additional needed discovery and other case management deadlines.
2. Because the filing of this Consolidated Amended Complaint would necessarily supersede the complaints of the now separate actions, motions to dismiss in all three actions will be **DENIED AS MOOT** without prejudice to the parties refiling in response to the consolidated complaint. Those Motions are as follows:
- a. In the Mendoza Action (No. 4:17-CV-02028), Defendants Electrolux Home Products, Inc., Lowe's Home Centers, LLC, Modesto Direct Appliance, Sharp Manufacturing Company of America, and Midea America Corp.'s Motions to Dismiss (ECF Nos. 65, 76, 90, 94) are **DENIED** without prejudice to refiling following the assertion of a Consolidated Amended Complaint.
 - b. In the Rice/Kukich Action (No. 4:15-cv-00371), Defendant Electrolux's Motion to Dismiss (ECF No. 147) is **DENIED**

without prejudice to refiling following the assertion of a Consolidated Amended Complaint.

- c. In the Mauro Action (No. 4:18-cv-00539), Defendants Electrolux Home Products, Inc., Lowe's Home Centers LLC, and Midea America Corp.'s motions to dismiss (ECF Nos. 55 & 61) are **DENIED** without prejudice to refiling following the assertion of a Consolidated Amended Complaint.

3. The Clerk is directed to docket the following motions within the lead case, or the Rice/Kukich Action (No. 4:15-cv-00371):

- a. Plaintiffs' Ex Parte Motion to Allow Alternative Service on Defendants Midea Microwave and Electrical Appliances Co. Ltd. and Sharp Appliances Thailand Limited, docketed at ECF No. 133 in the Mendoza Action (No. 4:17-CV-02028); and
- b. Plaintiff's Motion for Retransfer to the United States District Court for the Northern District of New York, docketed at ECF No. 75 in Mauro Action (No. 4:18-cv-00539).

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge